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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 CR 0047 (DLC)

5 MAHMOUD THIAM,

6 Defendant.

7 -----x

8 New York, N.Y.
9 February 13, 2017
2:20 p.m.

10 Before:

11 HON. DENISE COTE

12 District Judge

13 APPEARANCES

14 PREET BHARARA

15 United States Attorney for the
16 Southern District of New York

ELISHA KOBRE

17 Assistant United States Attorney

18 LORINDA LARYEN

19 Department of Justice

20 SULLIVAN & WORCESTER

Attorney for Defendant

21 ANDREW SOLOMON

22 LAW OFFICE OF AARON GOLDSMITH

Attorney for Defendant

23 AARON M. GOLDSMITH

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(In open court; case called)

MR. KOBRE: Good afternoon, your Honor. Elisha Kobre and Lorinda Laryen for the government. With me at counsel table also Alexander Beer, a paralegal with our office.

THE COURT: For the defendant.

MR. GOLDSMITH: Aaron Goldsmith, 225 Broadway, Suite 715 on behalf of Mr. Thiam.

MR. SOLOMON: Good afternoon, your Honor. Andrew Solomon from the law firm of Sullivan & Worcester, 1633 Broadway, New York, New York 10019. Your Honor, I'm sure, is aware that we have a motion to withdraw.

THE COURT: Mr. Solomon, are you referring to our discussion last week in court or motion papers you filed?

MR. SOLOMON: Our discussion last week in court.

THE COURT: Okay. Good. I'm aware of that.

MR. SOLOMON: Good.

THE COURT: I thought if you were referring to some papers, I had not seen those.

So, Mr. Goldsmith, you're a member of our CJA panel and because of this request by retained counsel to be relieved you were contacted to see whether or not you could be available today and if appointment of counsel were appropriate to be appointed as Mr. Thiam's attorney; is that correct?

MR. GOLDSMITH: That's correct, your Honor.

THE COURT: Thank you.

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1 MR. GOLDSMITH: I'll note for the record that we held
2 an appointment hearing this morning before a magistrate. So
3 that's already been effectuated.

4 THE COURT: Thank you so much.

5 So with that, Mr. Solomon, you are relieved. And,
6 Mr. Goldsmith, I accept your representation of the defendant.
7 And I'm sure Mr. Solomon will cooperate in full with
8 Mr. Goldsmith so this transition can be as smooth as possible.

9 MR. SOLOMON: Absolutely in every possible way. Thank
10 you, your Honor.

11 THE COURT: Thank you so much.

12 And excuse me just one second.

13 So, Mr. Goldsmith, I know you've had an opportunity to
14 talk to the government or I assume you've had an opportunity to
15 talk with the government; is that right?

16 MR. GOLDSMITH: That's correct. I've had a number of
17 opportunities to speak with the government over the last
18 several days as well as Mr. Solomon as well. So I do have a
19 good sense of what discovery lies ahead for me in this matter.
20 We've had some discussions earlier today as well about possible
21 scheduling going forward.

22 THE COURT: Good. Good.

23 So you learned then I take it that a large deal of
24 discovery was produced on February 3 and the defendant was
25 requested to produce a hard drive to the government and the

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1 remainder of discovery will hopefully be produced on
2 February 17.

3 MR. GOLDSMITH: Yes, your Honor. That's my
4 understanding.

5 THE COURT: Good.

6 We learned on February 7 at our conference last week
7 that the trial is expected to last about two weeks. There was
8 a postarrest statement. There were search warrants executed.
9 And, of course, voluminous documents.

10 MR. GOLDSMITH: I'm aware of all of that as well.

11 THE COURT: Good. Good. So what month would you like
12 to have a trial?

13 MR. GOLDSMITH: Well the government and I have
14 discussed our relative availability for the month of May
15 depending upon the Court's calendar.

16 THE COURT: So we'll begin the trial on April 24.

17 Any motions will be due March 7 -- March 17, I'm
18 sorry.

19 Opposition March 24.

20 Any objection to excluding time between now and our
21 trial date of April 24?

22 MR. GOLDSMITH: No objection, your Honor.

23 THE COURT: I am going to exclude time from today,
24 February 13, to our trial date of April 24, finding the
25 exclusion to be in the interests of justice and to outweigh the

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1 best interests of the defendant and the public in a speedy
2 trial. It will permit discovery to be finally completed,
3 motion practice to take place. If the defendant wishes to
4 enter a disposition, it will give the defendant an opportunity
5 through his counsel to discuss that with the government.
6 Alternatively, if the defendant wishes to go trial it will give
7 me an opportunity to decide any motions that are submitted in a
8 timely fashion and it will give all parties time to prepare for
9 trial.

10 I make this exclusion pursuant to Title 18 United
11 States Code Section 3161(h)(7)(A).

12 Mr. Kobre, is there anything else we need to do?

13 MR. KOBRE: No, your Honor.

14 THE COURT: And Mr. Goldsmith, anything else?

15 MR. GOLDSMITH: I just want a brief clarification.

16 Given the trial start date of April 24 would the Court prefer
17 to give us a date for motions in limine? Or should we defer to
18 a couple weeks before?

19 THE COURT: Happy to set a schedule for motions in
20 limine.

21 MR. GOLDSMITH: Ordinarily I wouldn't be that forward
22 but April 10, which is two weeks prior, is Passover. So I just
23 I think if we were going to get to that point I think it might
24 be beneficial to both parties if we do perhaps the week earlier
25 as the submission date.

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1 THE COURT: That's fine. Motions in limine due
2 April 7. Opposition due April 14.

3 MR. GOLDSMITH: Thank you.

4 MR. KOBRE: Thank you, Judge.

5 THE COURT: And the requests in connection with voir
6 dire and charge will be due April 18 and we'll get out a
7 scheduling order with the final pretrial conference date but it
8 will be in all likelihood the 21st.

9 MR. GOLDSMITH: Thank you, your Honor.

10 Nothing further from defense.

11 THE COURT: Thank you.

12 (Adjourned)
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